

## EXAMINER'S AMENDMENT

### *Status of the Claims*

1. This action is in response to papers filed 25 August 2010 in which claims 10-11 were amended, claims 7-9 and 16-18 were canceled, and new claims 19-20 were added. All of the amendments have been thoroughly reviewed and entered.

2. New claims 19 and 20 are dependent upon claims 10 and 11, respectively, and therefore drawn to Invention II, which was withdrawn as discussed in the Office Action mailed 12 May 2006.

### *Rejoinder*

3. Claims 1-6 and 12-15 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 10-11 and 19-20, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

4. Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on 12 May 2006 is hereby withdrawn.** In view of the withdrawal of the

Art Unit: 1634

restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

5. Claims 1-6, 10-15, and 19-20 are now allowed, subject to the Examiner's Amendment set forth below.

***Examiner's Amendments to the Claims***

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

7. Authorization for this examiner's amendment was given in a telephone interview with Dominic Kotab on 26 August 2010.

Art Unit: 1634

8. The application has been amended as follows:

IN CLAIM 10

A. In line 3, following the phrase “the bottom diameter and wherein”, the phrase ---in each said at least--- is deleted because it is duplicate text.

IN CLAIM 11

A. In line 3, following the phrase “the bottom diameter and wherein”, the phrase ---in each said at least--- is deleted because it is duplicate text.

***Reasons for Allowance***

9. As noted in the Ex Parte Quayle Action mailed 8 July 2010, the previous rejections of claims 1-6 and 12-15 in the Examiner’s Answer mailed 23 December are withdrawn in view of the decision by the Board of Appeals and Interferences.

10. The previous rejections of claims 7-9 and 16-18 in the Examiner’s Answer mailed 23 December are withdrawn in view of Applicant’s cancellation of the claims.

11. Claims 10-11 have each been amended to include all of the limitations of independent claim 1, and thus are in condition for allowance, being drawn to the same allowable subject matter of claim 1. New claims 19 and 20 depend upon claims 10 and

Art Unit: 1634

11, respectively, and are therefore allowable because claims 19 and 20 respectively depend upon claims 10 and 11, which each include all of the limitations of claim 1.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert T. Crow whose telephone number is (571)272-1113. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave T. Nguyen can be reached on (571) 272-0731. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert T. Crow  
Primary Examiner  
Art Unit 1634

/Robert T. Crow/  
Primary Examiner, Art Unit 1634